

Image AP | 1652

Att'y Dkt. No. US-125OD2  
U.S. App. No. 09/927,395

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Livshits et al.

Appl. No.: 09/927,395

Filing Date: August 13, 2001

Title: DNA CODING FOR PROTEIN WHICH  
CONFERS ON BACTERIUM ESCHERICHIA  
COLI RESISTANCE TO L-HOMOSERINE,  
AND METHOD FOR PRODUCING L-AMINO  
ACID

Art Unit: 1652

Examiner: Rao

Atty. Docket: US-125OD2

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

☒1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

☐2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐c. Attached is our check no. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).

☐3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. \_\_\_\_\_ in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐4. Relevance of the non-English language document(s) is discussed in the present specification. See pages \_\_\_\_\_ of the specification of the present application.

☒5. The document(s) was/were cited in a corresponding foreign application. ☒ A copy of a search report issued in the foreign application is attached. ☐ An English language version of the foreign search report is attached for the Examiner's information. M.P.E.P. § 609 (A)(3).

- ☐ 6. A concise explanation of the relevance of the non-English language document(s) ☐ is attached hereto or ☐ appears below.
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. 09/847,392 , filed May 3, 2001 , which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. \_\_\_\_\_ , filed \_\_\_\_\_ , which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☒ 9. Other: References cited on the European Search Report which have previously been submitted in this application via IDS are not cited herein. Also, references which were previously submitted as reference examples attached to office action responses are hereby formally submitted by this IDS.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

By:

  
Shelly Guest Cermak  
Reg. No. 39,571

Date: February 12, 2004

**000038108**

PATENT TRADEMARK OFFICE

Ajinomoto USA, Inc.

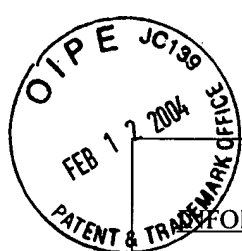
1120 Connecticut Avenue

Ste. 1010

Washington D.C. 20036

202 457 0284

202 457 0107 FAX



FORM PTO 1449	ATTY. DKT. NO.: US-125OD2	APP. NO.: 09/927,395
INFORMATION DISCLOSURE STATEMENT		
APPLICANT(S): Livshits et al.		
FILING DATE: August 13, 2001		Group Art Unit: 1652

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	5,017,483	May 21, 1991	Furukawa et al.	435	115	
	4,278,765	Jul. 14, 1981	Debabov et al.	435	172	

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	EPO Search Report	July 3, 2002	EP			<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO 97/23597	July 3, 1997	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
	EP 1 013 765 A1	June 28, 2000	EP			<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

## OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)

	Zakataeva et al. "The Novel Transmembrane <i>Escherichia coli</i> proteins involved in the amino acid efflux" FEBS Lett. 452:228-232 (1999)
	29 January 1997 Blattner et al. "Escherichia coli K12MG 1655 section 348 of 400 of the complete genome" retrieved from EBI, accession no. ECAE458 Database accession no. AE000458 XP002202583
	Daniels et al. "Homoserine/homoserine Lactone efflux protein" retrieved from EBI, accession no. RHTB_ECOLI, Database accession no. P27847 XP002202582
	Aleshin et al., "A new family of amino acid efflux proteins" TIBS, 24(4):133-135 (1999)
	Short Protocols in Molecular Biology (3 <sup>rd</sup> edition); Ausubel, F.M., eds, (Wiley & Sons: New York) "Preparation and Analysis of DNA" pages 2-36 to 2-43.
	Vrljic et al. "The LysE Superfamily: Topology of the Lysine Exporter of <i>Corynebacterium glutamicum</i> , a Paradyme for a Novel Superfamily of Transmembrane Solute Translocators" J of Mol. Microbiol. Biotechnol.; 1(2):327-336 (1999).

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	